

ACTS
ACCEPTING THE
**NORTH-WEST
MOUNTED POLICE FORCE.**





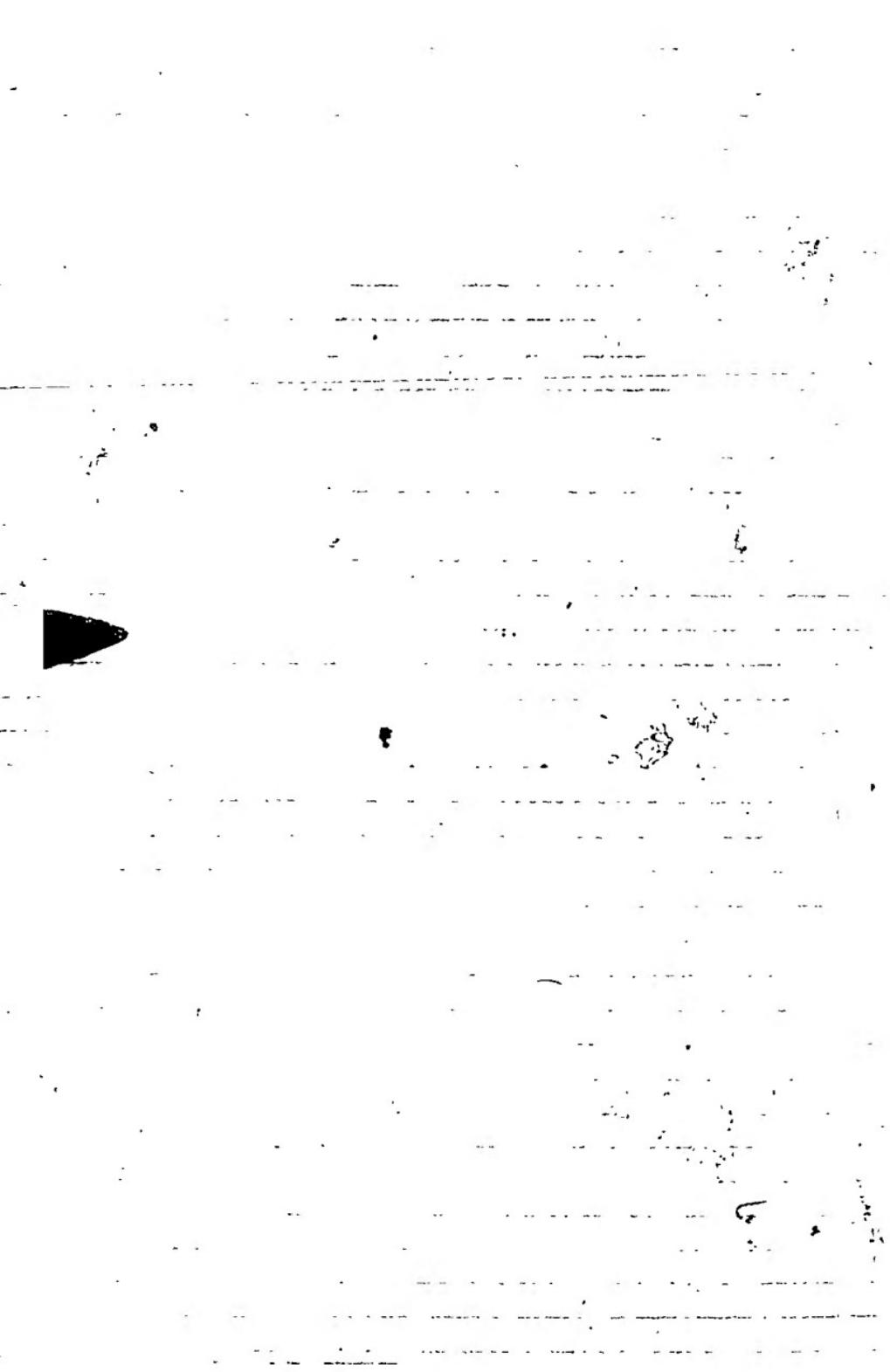
ACTS

RESPECTING THE
ADMINISTRATION OF JUSTICE,
AND FOR THE
ESTABLISHMENT OF A POLICE FORCE,
IN THE
NORTH-WEST TERRITORIES

As Consolidated for the purpose of reference.

PUBLIC RECORDS
CANADA

Acc. No. 35-441





36 VICTORIA [1873].

CHAP. 35.

An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories.

AS AMENDED BY

37 VICTORIA [1874].

CHAP. 22.

An Act to amend "An Act respecting the administration of Justice; and for the establishment of a Police Force in the North-West Territories," and as amended by 38 Vict., Chap. 16, an Act further to amend "An Act respecting the Administration of Justice and for the establishment of a Police Force in the North-West Territories."

Sections marked with an asterisk () are amendments.*

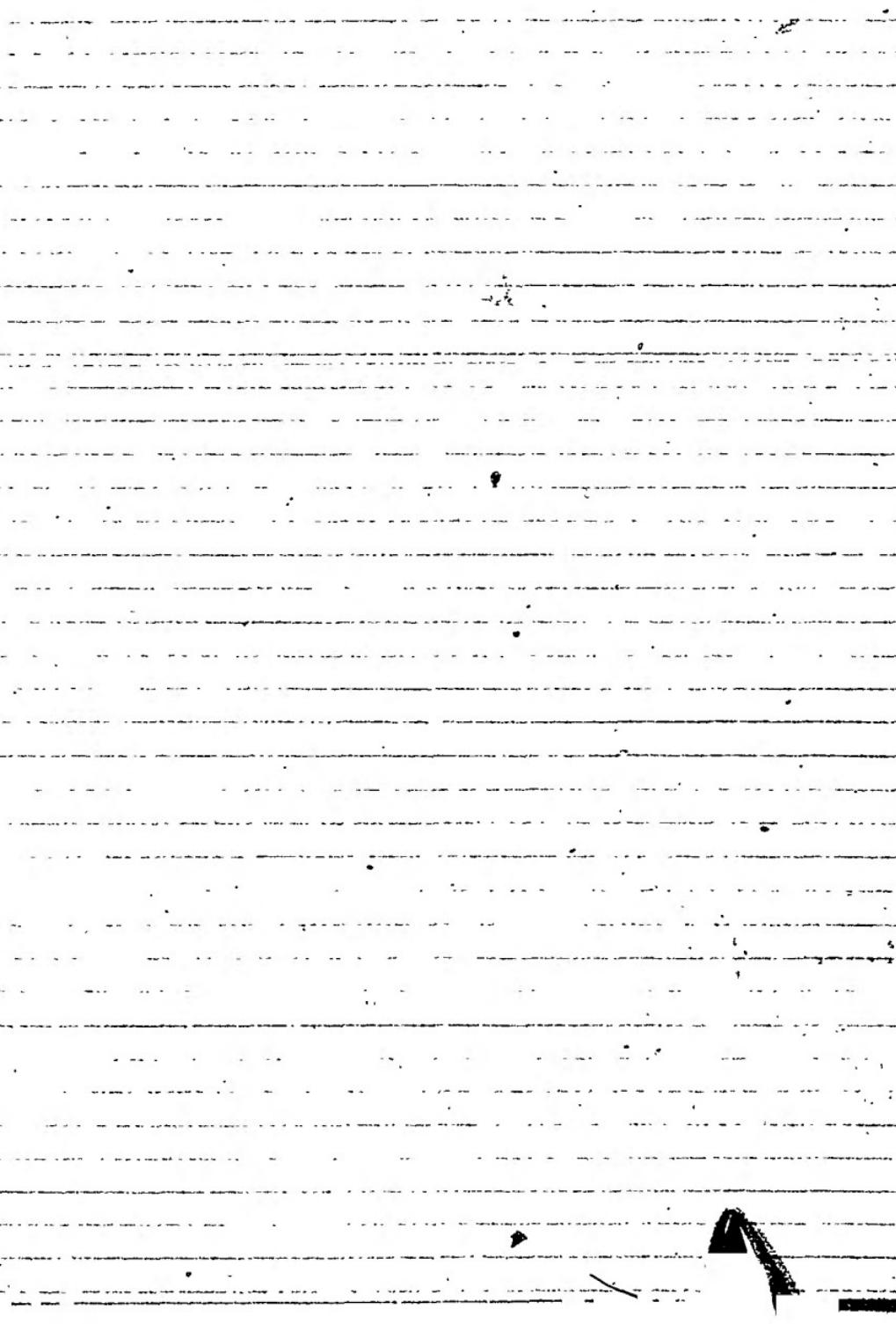
HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Governor may from time to time appoint by commission under the Great Seal one or more fit or proper person or persons to be and act as a Stipendiary Magistrate, or Stipendiary Magistrates within the North-West Territories, who shall reside at such place or places as may be ordered by the Governor in Council; and the Governor in Council shall assign to any such Stipendiary Magistrate, a yearly salary not exceeding three thousand dollars, together with his actual travelling expenses.

2. Every Stipendiary Magistrate shall hold office during pleasure, and shall exercise within the North-West Territories, or within such limited portion of the same as may be prescribed by the Governor in Council, the magisterial, judicial and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or ordinances which may, from time to time, be in force in the North-West Territories.

3. Any Stipendiary Magistrate shall further have power to hear and determine, in a summary way, and without the intervention of a jury, any charge against any person or persons for any of the following offences alleged to have been committed within the North-West Territories, as follows:

1: Simple larceny, larceny from the person, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does not in the judgment





of such Stipendiary Magistrate, exceed one hundred dollars ; or,—

2. Having attempted to commit larceny from the person for simple larceny ; or,—

3. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person ; or,—

4. With having committed an assault upon any female whatever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault if upon a female, not amounting, in his opinion, to an assault with intent to commit a rape ; or,—

5. Having assaulted, obstructed, molested or hindered any Stipendiary Magistrate, Justice of the Peace, Commissioner or Superintendent of Police, a policeman, constable or bailiff or Officer of Customs or Excise, or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof ;

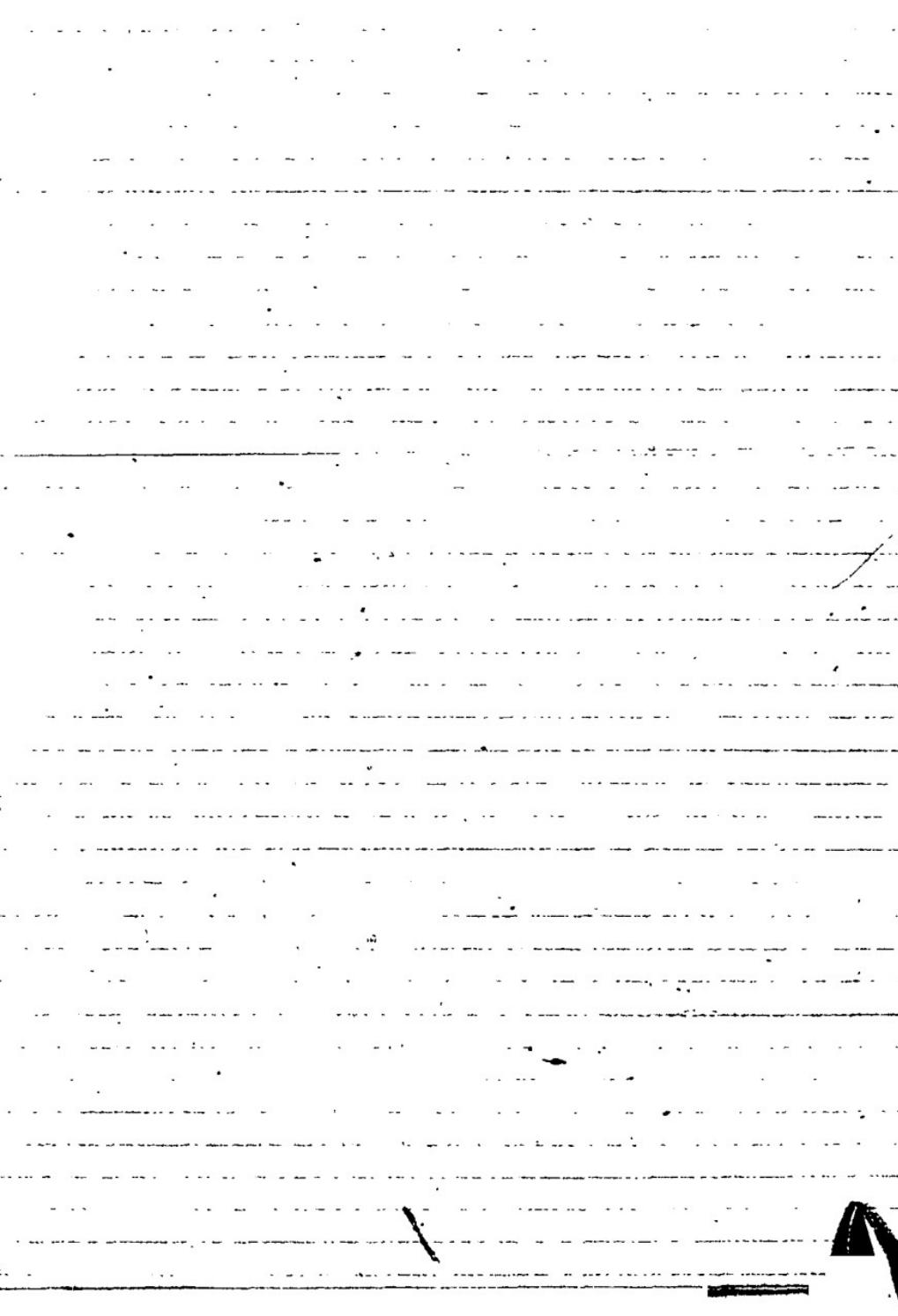
And upon any conviction by such Stipendiary Magistrate, the person so convicted may be sentenced to such punishment as he thinks fit, by imprisonment for any period less than two years in any gaol or place of confinement, with or without hard labour, and with or without solitary confinement, or by fine, or by such imprisonment and fine.

4. The Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, or any two Stipendiary Magistrates sitting together as a Court, shall have power and

authority to hear and determine within the North-West Territories, in a summary way and without the intervention of any Grand or Petty Jury, any charge against any person or persons for offences alleged to have been committed within the North-West Territories, and the maximum punishment for which does not exceed seven years imprisonment; and such Court shall be a Court of Record; and if imprisonment in a penitentiary be awarded in any such case, the Court may cause the convict to be conveyed to the penitentiary in the Province of Manitoba; and he shall undergo such punishment therein as if convicted in the Province of Manitoba.

5. Any Justice of the Peace, or any Stipendiary Magistrate or any Judge of the Court of Queen's Bench of the Province of Manitoba, shall have power and authority to commit and cause to be conveyed to gaol in the Province of Manitoba, for trial by the said Court of Queen's Bench according to the laws of criminal procedure in force in the said Province, any person or persons at any time charged with the commission of any offence against any of the laws or ordinances in force in the North-West Territories, punishable by death or imprisonment in the penitentiary; and the Court of Queen's Bench and any Judge thereof, shall have power and authority to try any person arraigned before the said Court on any such charge; and the jury laws and laws of criminal procedure of the said Province shall apply to any such trial; except that the punishment to be awarded, upon conviction of any such person, shall be according to the laws in force in the North-West Territories; and the sentence may be carried into effect in a penitentiary or other place of confinement in the said Province as if the same were in the North-West Territories.

6. Whenever, under either of the two next preceding sections, any convict or accused person is ordered to be con-





veyed to gaol or to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed shall have the same power to hold and convey him, or to re-take him in case of an escape, and the gaoler or warden of the penitentiary in Manitoba shall have the same power to detain and deal with him, in the said Province, as if it were within the North-West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or penitentiary by some competent Court or authority in the said Province.

7. Where it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any Justice of the Peace, or Stipendiary Magistrate, or any two Stipendiary Magistrates sitting together as aforesaid, or any Judge of the Court of Queen's Bench of Manitoba, may, according to their several powers and jurisdictions hereinbefore given, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment, to be placed and kept in the custody of the Police of the North-West Territories, with or without hard labour,—the nature and extent of which shall be determined by the Justice of the Peace or Stipendiary Magistrate or Stipendiary Magistrates, or Judge, by or before whom such person was convicted.

8. The Governor in Council may cause to be erected in any part or parts of the North-West Territories, any building or buildings, or enclosure or enclosures, for the purpose of the gaol or lock-up for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid.

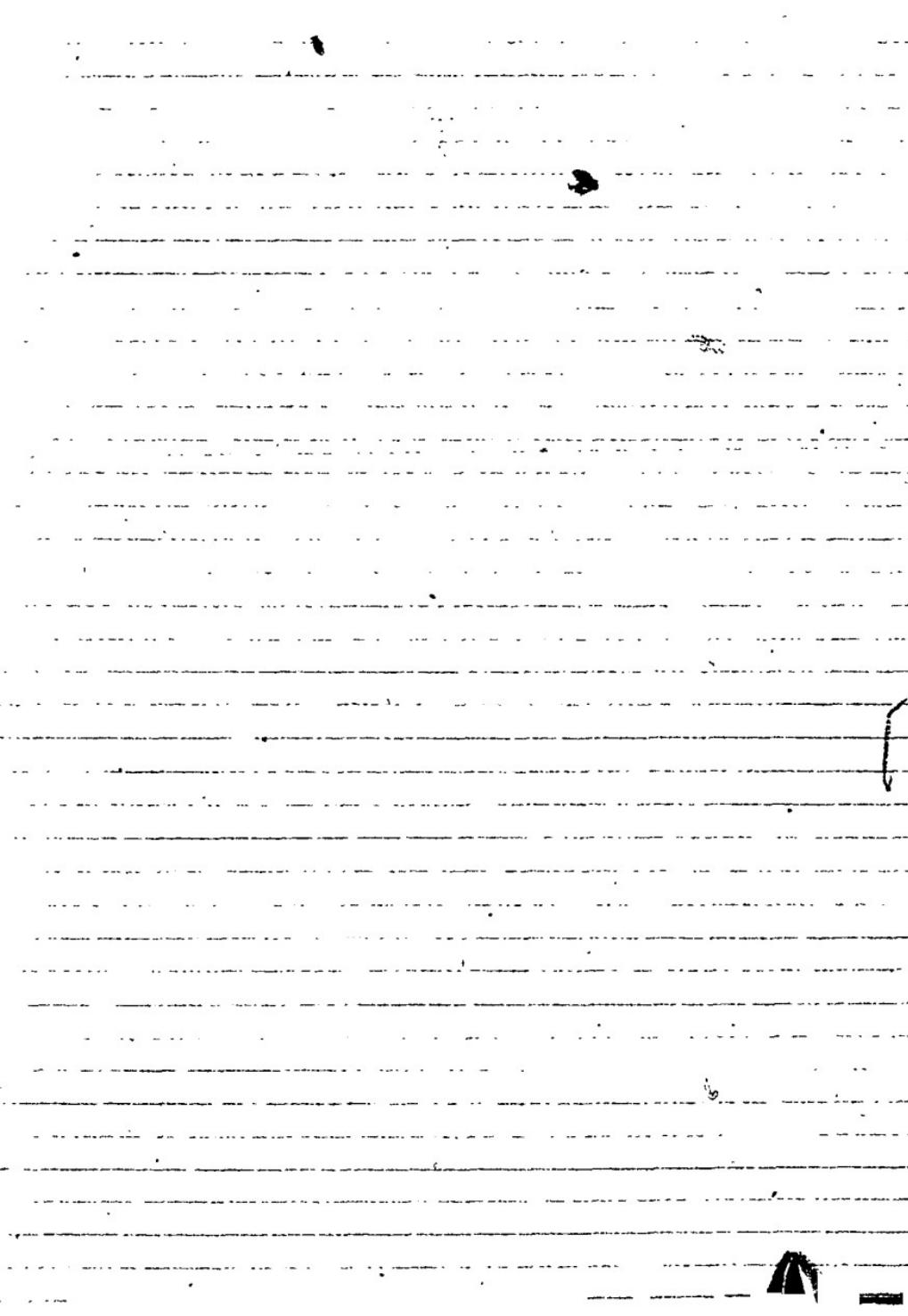
9. Whenever in any Act of the Parliament of Canada in force in the North-West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officer in the North-West Territories, the Lieutenant Governor in Council may order by what other person or officer such duty shall be performed; and anything done by such person or officer under such order, shall be valid and legal in the premises; or if it be in any such Act ordered that any document or thing shall be transmitted to any officer, Court, territorial devision or place, and there shall be in the said North-West Territories no such officer, Court or territorial division or place, then the Lieutenant Governor in Council may order to what officer, Court or place such transmission shall be made, or may dispense with the transmission thereof.

MOUNTED POLICE FORCE.

***10.** The Governor in Council may constitute a Police Force in and for the North-West Territories, and the Governor may, from time to time, as may be found necessary, appoint by commission a Commissioner of Police, an Assistant Commissioner of Police, and one or more Inspectors, Sub-Inspectors and Surgeons, together with a Paymaster, Quartermaster, and Veterinary Surgeon of Police, each of whom shall hold office during pleasure.

11. The Commissioner of Police shall perform such duties and be subject to the control, orders and authority of such person or persons as may, from time to time, be named by the Governor in Council for that purpose.

***12.** The Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of constables and sub-con-





stables as he may think proper, not exceeding in the whole three hundred men; and the Commissioner may delegate this authority to any commissioned officer of the force; and such number thereof shall be mounted as the Governor in Council may, at any time, direct.

13. No person shall be appointed to the Police Force unless he be of a sound constitution, able to ride, active and able-bodied; of good character, and between the ages of eighteen and forty years; nor unless he be able to read and write either the English or French language.

14. No person shall exercise any office in the said force until he shall have taken the oath of allegiance and the following oath of office: "I. A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties and office of in the Police Force of the North-West Territories, and will well and truly obey and perform all lawful orders and instructions which I shall receive as such without fear, favor or affection of or towards any person or party whomsoever, So help me God." And such oath may be taken by the Commissioner of Police before any Judge, Stipendiary Magistrate, or Justice of the Peace having jurisdiction in the North-West Territories, and by any other member of the Police Force, before the Commissioner of Police, or any person having such jurisdiction as aforesaid; and such oaths shall be retained by the Commissioner as part of the records of his office.

***15.** The Commissioner shall have all the powers of a Stipendiary Magistrate under this or any other Act in force in the North-West Territories. The Assistant Commissioner and Inspectors, and such other officers as the Governor in Council may approve, shall be *ex-officio* Justices of the Peace;

and every constable and sub-constable of the force shall be a constable in and for the whole of the North-West Territories for carrying out any laws or ordinances in force therein, and also in every Province in the Dominion for the purpose of carrying out the criminal and other laws of the Dominion.

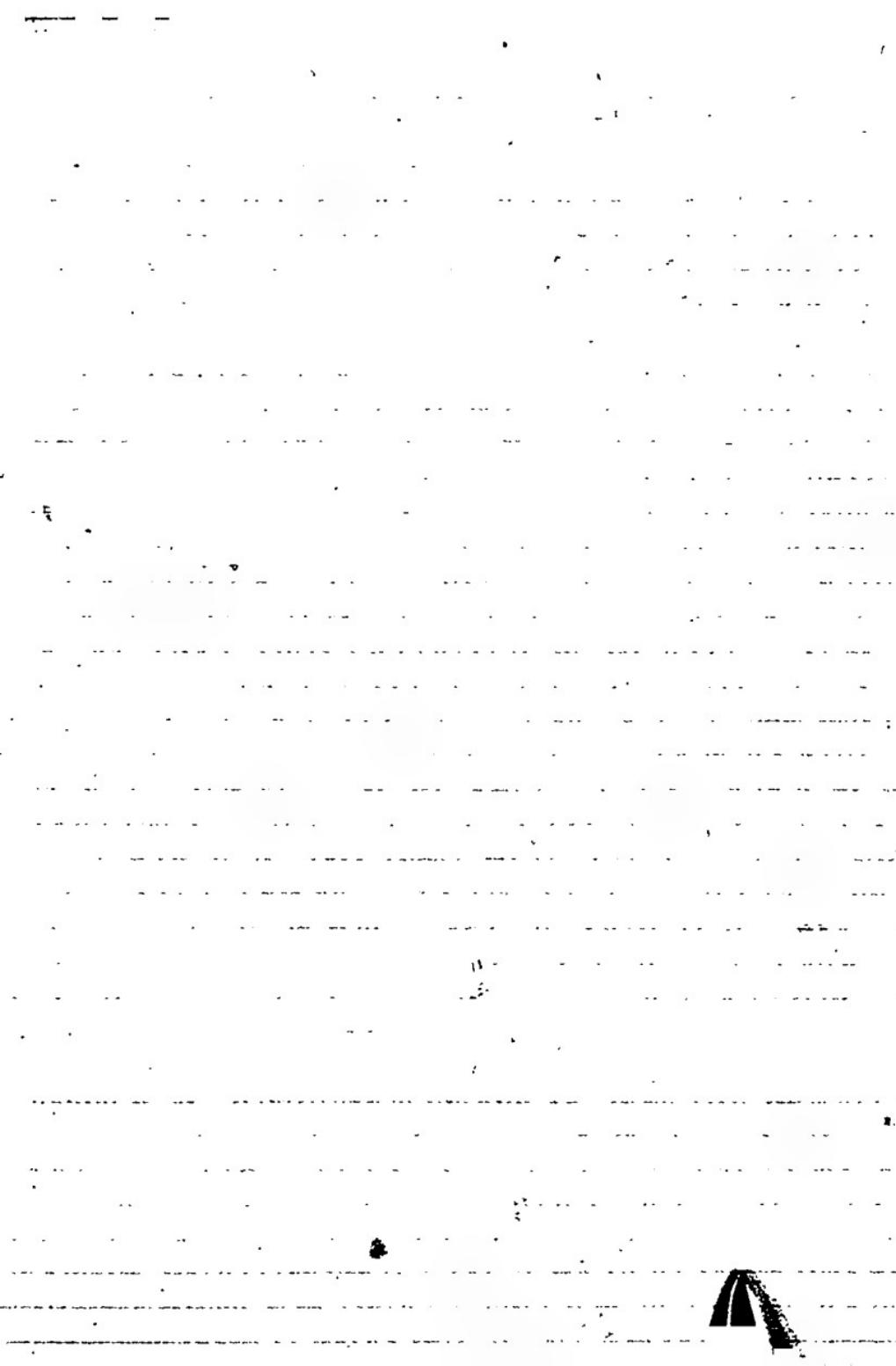
***16.** Every constable and sub-constable shall, upon appointment to the said force, sign articles of engagement; and any penalty which may be therein assigned may be enforced; and one condition in the said article shall always be that he shall serve for the period of three years, unless he be dismissed or discharged therefrom by the Commissioner. The engagement shall be contracted to the Commissioner, and may be enforced by the Commissioner for the time being.

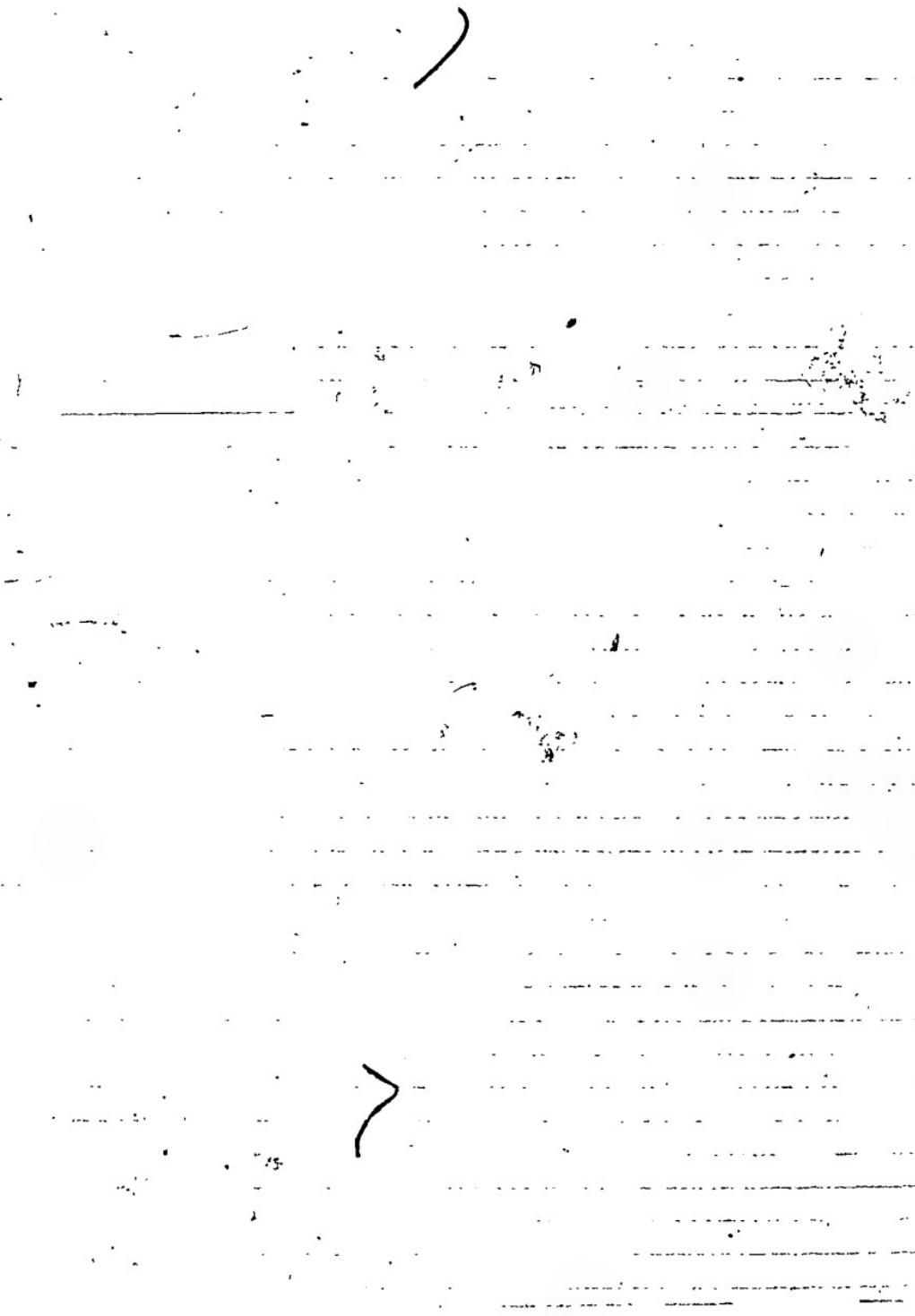
17. The Governor in Council may, from and out of any of the lands of the Dominion in the Province of Manitoba or in the North-West Territories, make a free grant not exceeding one hundred and sixty acres, to any constable or sub-constable of the said force, who, at the expiration of three years of continuous service in the said force, shall be certified by the Commissioner of Police to have conducted himself satisfactorily, and to have efficiently and ably performed the duties of his office during the said term of three years.

18. The Governor in Council shall appoint the place at which the Head-Quarters of the force shall, from time to time, be kept: and the office of the Commissioner shall be kept there, and the same may be at any place in the North-West Territories or the Province of Manitoba.

***19.** It shall be the duty of the force, subject to the orders of the Commissioner,—

1. To perform all duties which now are or shall be here-





after assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and ordinances in force in the North-West Territories, and the criminal and other laws of the Dominion, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody.

2. To attend upon any Judge, Stipendiary Magistrate, and Justice of the Peace when specially required, and to execute all warrants, and perform all duties and services in relation thereto, which may, under this Act or the laws and ordinances in force in the North-West Territories, or the criminal or other laws of the Dominion, lawfully be performed by constables.

3. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics, to or from any courts, places of punishment or confinement, asylums or other places.

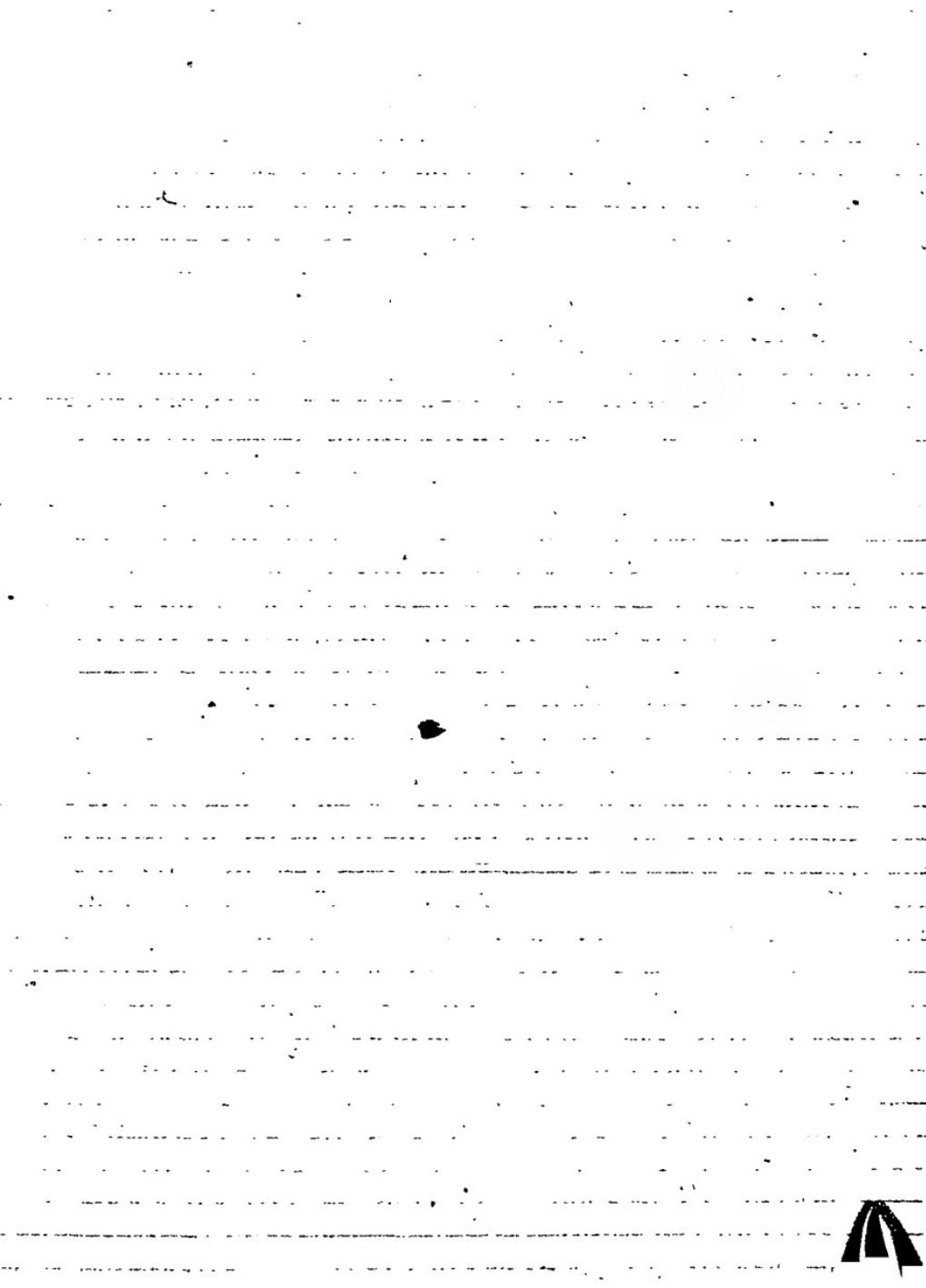
4. Upon information, or upon reasonable grounds of suspicion, and without the necessity of any intervention or process of law, to enter any shop, store, hut, tent, wigwam, dwelling or building, or place or enclosure (but no constable or sub-constable shall so enter any hut, tent, wigwam, or dwelling, unless accompanied by or under orders of a commissioned officer); and also to enter, and for such purpose to stop and detain while travelling, any vessel, canoe, carriage, wagon, cart, sleigh, or other vehicle or means of conveyance of any description, and to dig in, rummage, and search all parts thereof, and any kegs, barrels, cases, boxes, or packages, or receptacles of any kind for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind; and any

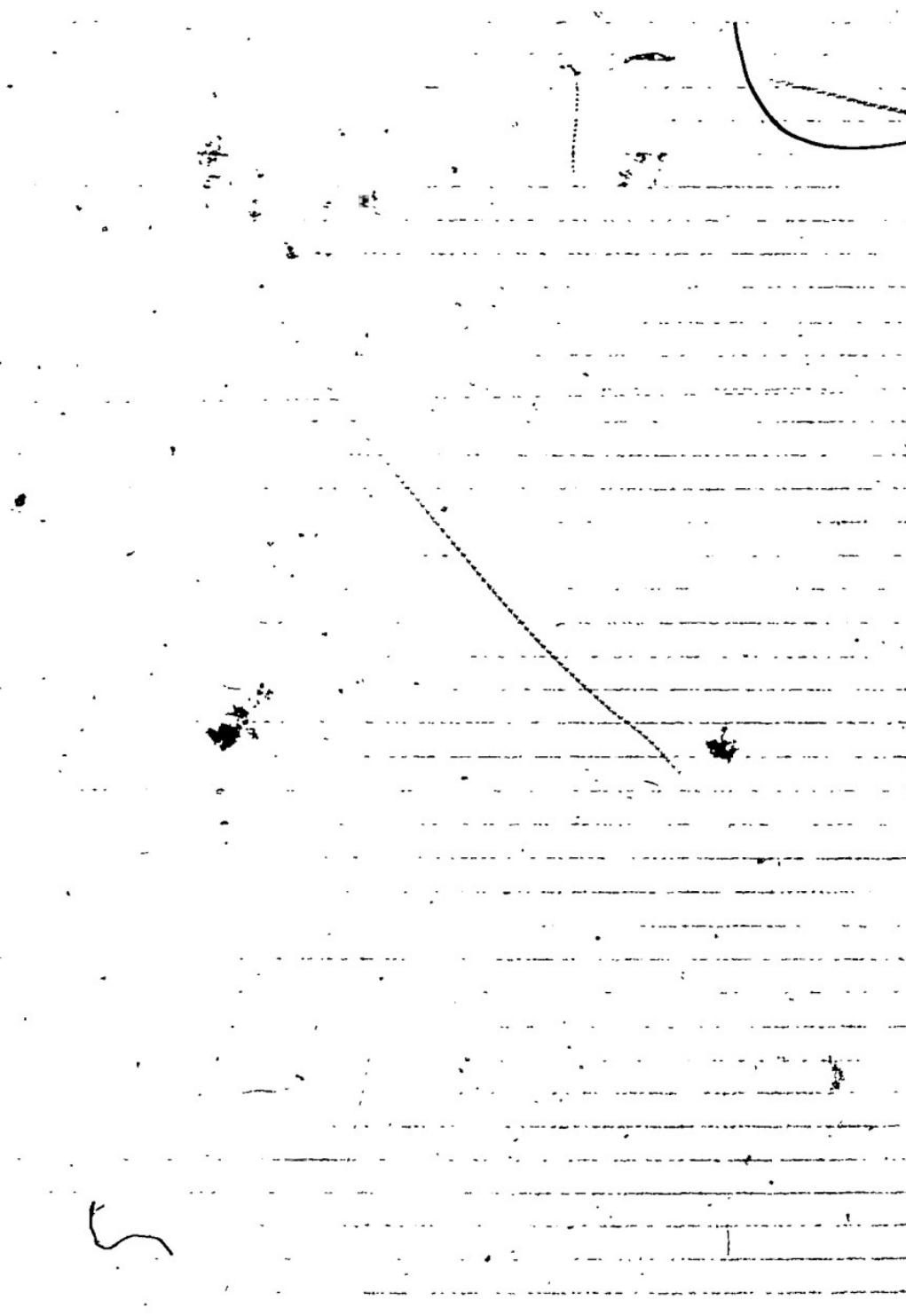
such kegs, barrels, cases, boxes, or packages or other receptacles of any kind whatever found containing the same—to break up and utterly destroy, and all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink, to pour out, spill, waste and utterly to destroy forthwith.

5. And for these purposes and the performance of all the duties assigned to them by or under the authority of this Act, they shall in addition to the powers and duties conferred or imposed by this Act, have all the powers, authority, protection and privileges which any constable has or shall hereafter by law have.

***20.** The Governor in Council may establish the precedence of rank of the several Commissioned Officers, and from time to time make rules and regulations for any of the following purposes, viz:—To regulate and prescribe the clothing, arms, training and discipline of the Force; to regulate and prescribe the duties and authorities of the Commissioner and the several other Commissioned Officers of the Force, and the several places at or near which the same, or the Force, or any portions thereof may from time to time be stationed; and generally all and every such matters and things for the good government, discipline and guidance of the Force as are not inconsistent with this Act; and such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offenders, for any contravention thereof, and may direct that such penalty when incurred may be deducted from the offenders' pay; they may determine what officer shall have power to declare such penalty incurred, and to impose the same; and they shall have force as if enacted by law.

21. All pecuniary penalties so imposed shall form a fund





to be managed by the Commissioner with the approval of the Governor in Council; and be applicable to the payment of such rewards for good conduct or meritorious services as may be established by the Commissioner.

- *22. Any member of the force convicted of,—
Disobeying the lawful command of, or striking his Superior,—or
Oppressive or tyrannical conduct towards his Inferior,—or
Intoxication, however slight, — or
Having intoxicating liquor in his possession or concealed,—or
Directly or indirectly receiving any gratuity without the Commissioner's sanction, or any bribe,—or
Wearing any party emblem,—or
Otherwise manifesting political partizanship,—or
Overholding any complaint,—or
Mutinous or insubordinate conduct,—or
Unduly overholding any allowances or any other public money entrusted to him,—or
Misapplying any money or goods levied under any warrant or taken from any prisoner,—or
Divulging any matter or thing which it may be his duty to keep secret,—or
Making any anonymous complaint to the Government or the Commissioner,—or
Communicating without the Commissioner's authority, either directly or indirectly, to the public press, any matter or thing touching the force,—or
Wilfully or through negligence or connivance allowing any prisoner to escape,—or
Using any cruel, harsh, or unnecessary violence towards any prisoner or other person,—or
Leaving any post on which he has been placed as sentry or on other duty,—or

Deserting or absenting himself from his duties or quarters without leave,—or

Scandalous or infamous behavior,—or

Disgraceful, profane or grossly immoral conduct,—or

Violating any standing order, rule or regulation, or any order, rule or regulation hereafter to be made,—or

Any disorder or neglect to the prejudice of morality or discipline, though not specified in this Act, or in any lawful rules or regulations,—

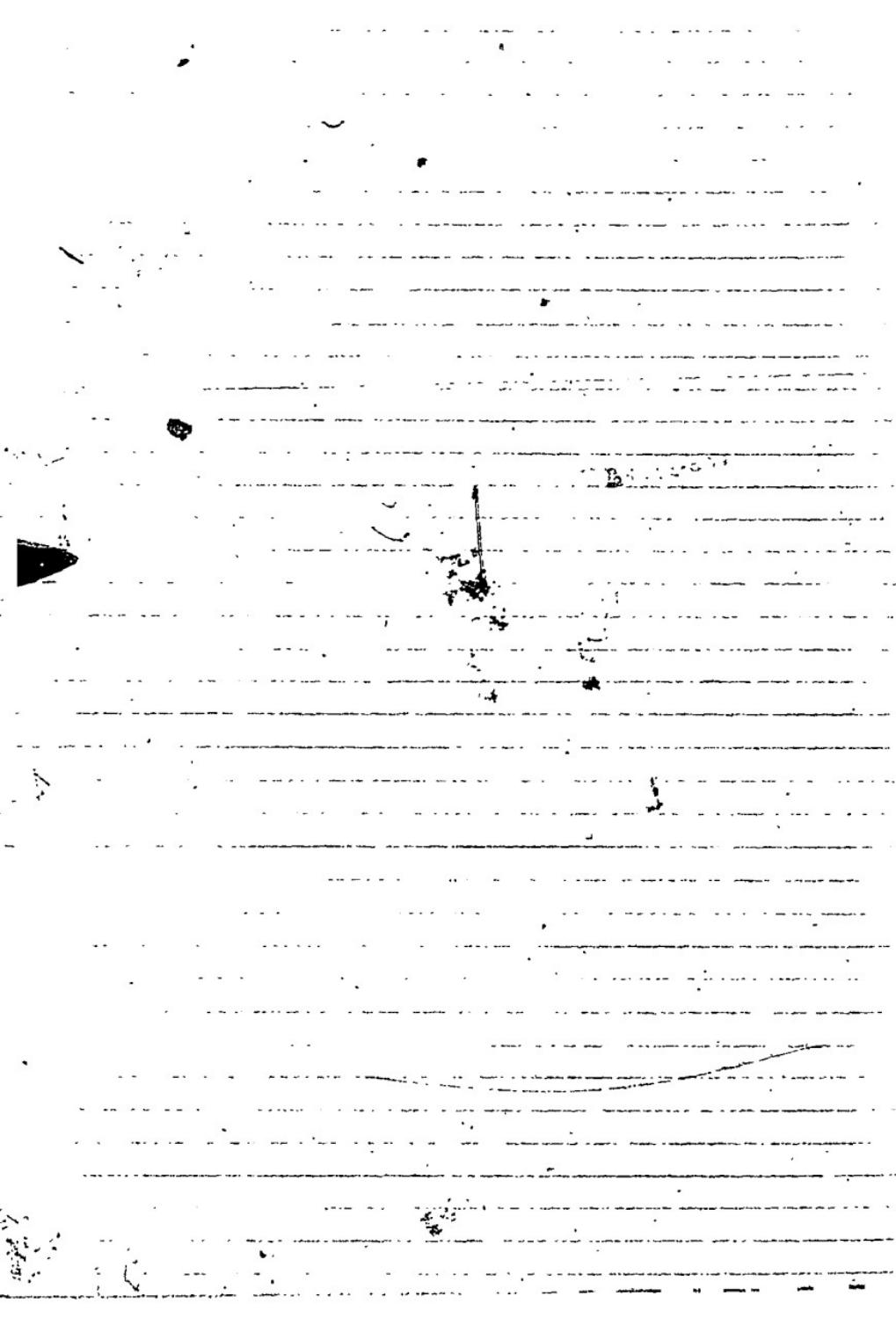
Shall be held to have committed a breach of discipline,
—and

The Commissioner, Assistant Commissioner, or the Inspector commanding at any post, or a Stipendiary Magistrate, shall, forthwith, on a charge in writing of any one or more of the foregoing offences being preferred against any member of the force, other than a commissioned officer, cause the party so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge or charges on oath, and if proved to his satisfaction, shall thereof convict the offender, who shall suffer such punishment, either by fine not exceeding one month's pay, or imprisonment for a term not exceeding six months in any gaol at hard labor, or both, as the convicting officer or Magistrate shall in his discretion order, in addition to and besides any punishment to which the offender may be liable under any law in force in the North-West Territories, or in any Province in which the offence may be committed, in respect of such offence."

***23.** Any commissioned officer or any member of the force suspended or dismissed shall forthwith deliver up to the Commissioner or to a commissioned officer or to any constable authorized to receive the same, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the force or used for police purposes; and in

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case of his refusing or neglecting so to do, shall incur a penalty of fifty dollars, in addition to the value of the articles not delivered up, and the penalty and value aforesaid shall be recoverable with costs of prosecution by summary conviction before any judge, stipendary magistrate, or justice of the peace having jurisdiction in the North-West Territories; who, in case of non-payment of the penalty and value aforesaid and costs immediately after conviction, may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and value aforesaid and costs, to any common gaol or house of correction or lock-up house within the North-West Territories, for a period not exceeding six months, unless the said penalty and costs be sooner paid.

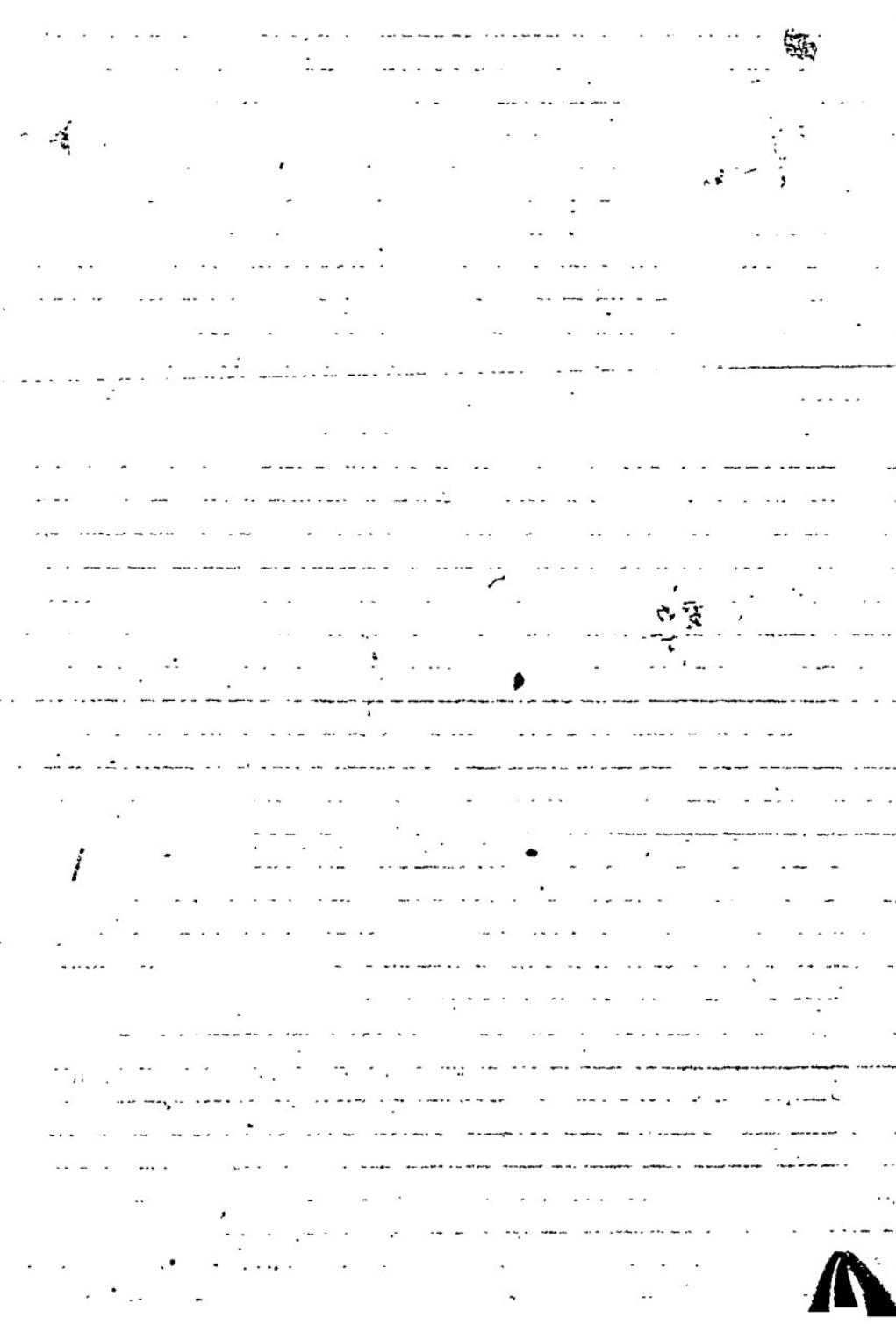
*24. Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any commissioned officer, or any member of the Police Force, or into any complaint against any of them, he or the commissioned officer or officers whom he may appoint for that purpose, may examine any person on oath or affirmation, and shall have power to, and may compel the attendance of any necessary witnesses, in the same way as if the proceedings were before justices, under the "Act respecting the duties of Justices of the Peace, ~~out of sessions~~, in relation to persons charged with indictable offences."

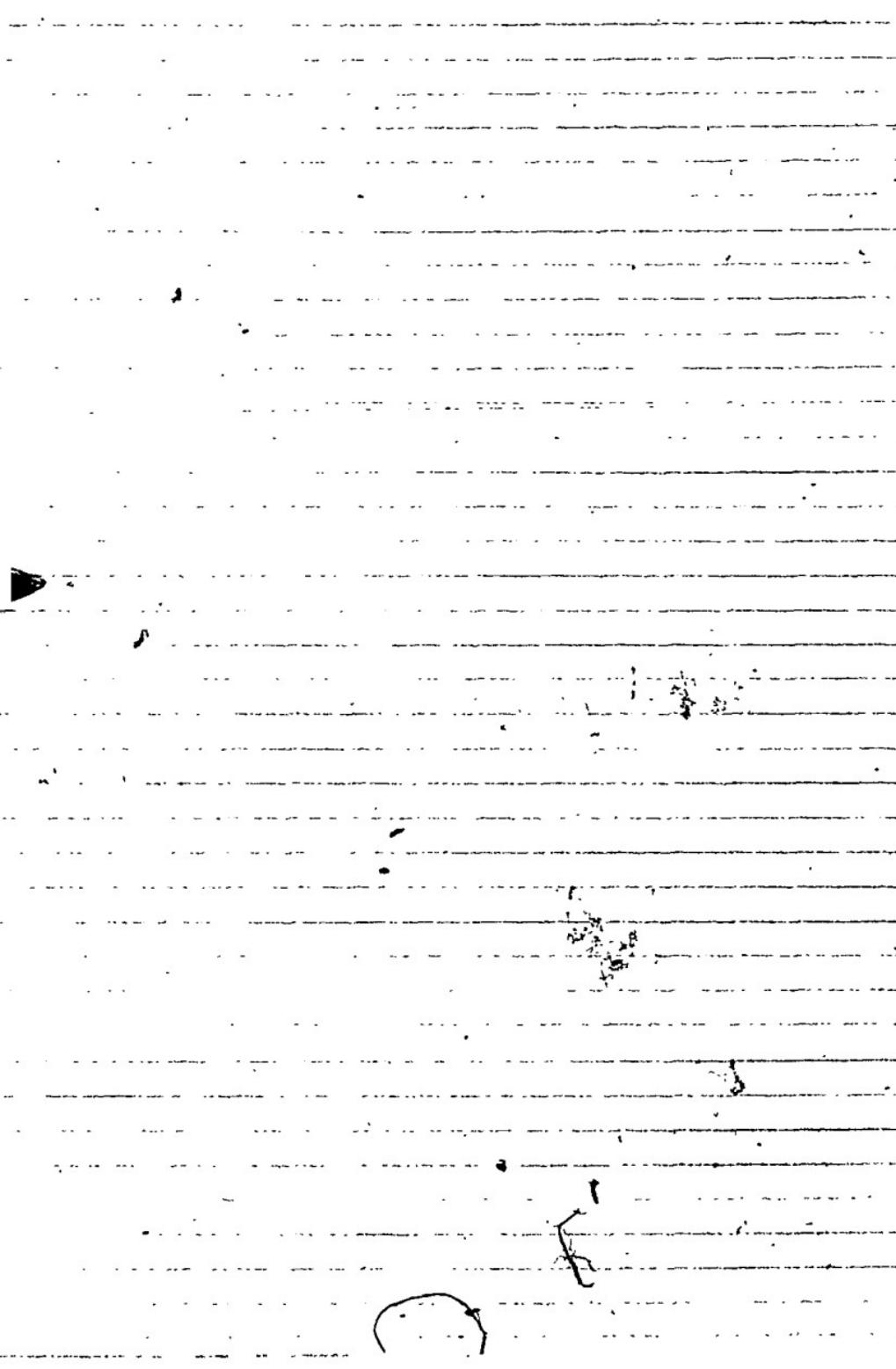
*25. If any person unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing, or other thing used for police purposes, such person shall thereby incur a penalty of double the value thereof, and be subject to a further fine not exceeding twenty-five dollars, and in default of payment forthwith, to imprisonment for any period not exceeding three months.

2. If any constable or sub-constable during his engagement in the said force, having deserted, absented himself from his duties without leave, or refused to do duty therein, be found in any part of Canada, other than the North West Territories, and on being served with a notice signed by any commissioned officer of the force, requiring him to return to his duty, or being orally so required by such officer, neglects or refuses to return to his duty; such offender shall on conviction thereof be liable to forfeit and pay for every such offence, any sum not exceeding one hundred dollars, or to be imprisoned and kept to hard labor for any period not exceeding twelve months, or both; and upon the trial of any offender under this section it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the force, signed by such offender, but such engagement may be proved by parol evidence, or by a certificate purporting to be signed by the Commissioner, Assistant Commissioner, or any Inspector of the force, giving the date and period of such engagement; and it shall not be necessary *prima facie* to prove the signature to such certificate, which shall be held to be genuine, unless it be expressly alleged by the offender not to be so.

3. Offenders under this section may be prosecuted before the Commissioner, or a Stipendiary Magistrate, or any Justice of the Peace, in any part of Canada, and the several provisions of the laws in force respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders, shall apply to such prosecutions."

Any constable or sub-constable refusing to obey an order distinctly given by, or resisting the authority of a Superior Officer of the Force, may be forthwith and without altercation placed under arrest and detained in custody to be dealt with under the provisions of this Act.





*26. It shall be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Commissioner and other officers of the said force, regard being had to the number of constables and sub-constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices aforesaid respectively, and to the nature of the duty or service and amount of labour devolved upon them, but such sums shall not exceed the amounts following, that is to say—

Per annum.

Commissioner of Police, not exceeding.....	\$ 2,600
Assistant Commissioner, not exceeding.....	1,600
Each Inspector, not exceeding.....	1,400
Each sub-Inspector, not exceeding.....	1,000
Paymaster, not exceeding.....	1,200
Quarter-Master, not exceeding.....	800
Surgeon, not exceeding.....	1,400
Veterinary Surgeon, not exceeding.....	700
Chief and Staff Constables, not exceeding \$1.25 per day.	
Constables, not exceeding \$1 per day.	
And sub-Constables not exceeding seventy-five cents per day.	

27. The Governor in Council may, in lieu of the appointment of a Surgeon or of a Veterinary Surgeon authorize arrangements to be made with any person or Veterinary Surgeon to perform the duties of Surgeon or Veterinary Surgeon for the said force as to any portions or detachments thereof, and may pay reasonable and proper remuneration for any services so rendered.

28. The Governor in Council may also, from time to time, regulate and prescribe the amounts to be paid, for the purchase of horses, vehicles, harness, saddlery, clothing, arms and accoutrements, or articles necessary for the said force; and also the expenses of travelling, and of rations, or of boarding or billeting the force, and of forage for the horses.

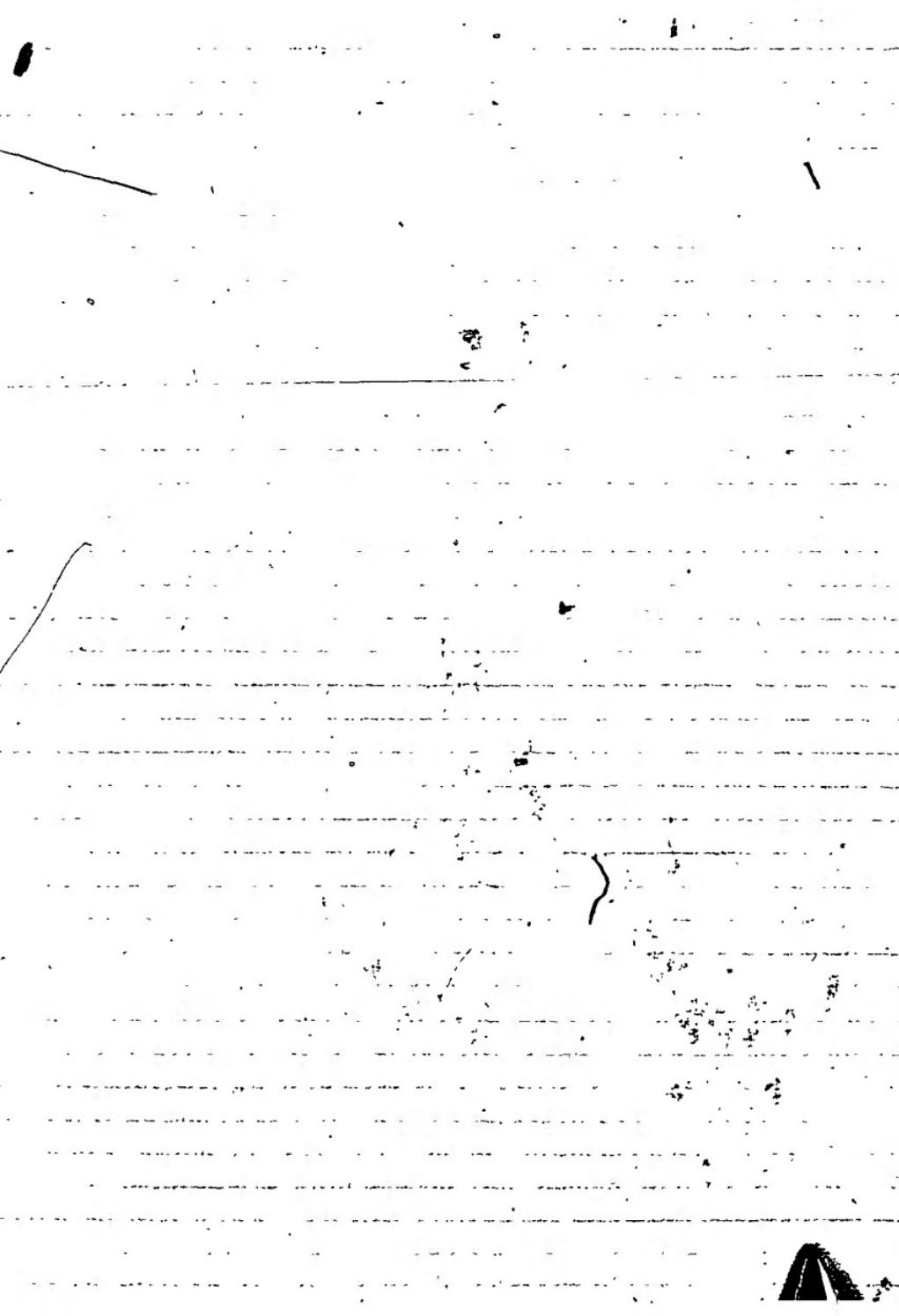
29. The Governor in Council may make regulations for the quartering, billeting and cantoning of the force or any portions or detachments thereof; and for the furnishing of boats, carriages, vehicles of transport, horses and other conveyances for their transport and use, and for giving adequate compensation therefor; and may, by such regulations impose fines not exceeding two hundred dollars for breach of any regulation aforesaid, or for refusing to billet any of the said forces, or to furnish transport as herein mentioned. But no such regulations shall authorize the quartering or billeting of any of the force in any nunnery or convent of any religious order of females.

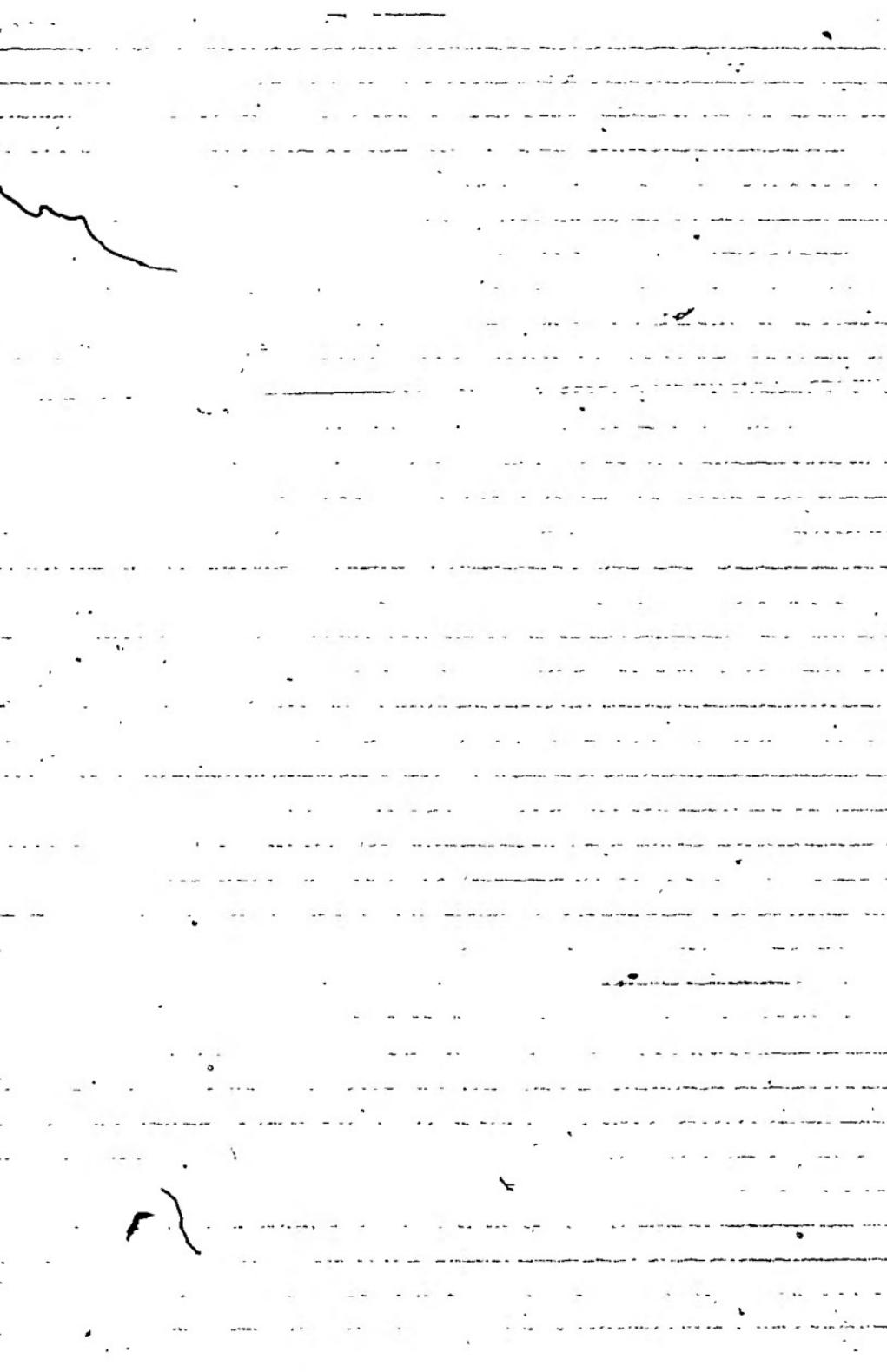
30. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund of Canada.

31. A separate account shall be kept of all moneys expended under this Act, and a detailed statement thereof shall be laid before Parliament at each session thereof.

32. All regulations or Orders in Council made under this Act shall be published in the *Canada Gazette*, and shall thereupon have the force of law from the date of their publication, or from such later date as may be therein appointed for their coming into force; and a copy of any such regulations purporting to be printed by the Queen's Printer shall be *prima facie* evidence thereof.

33. The Department of Justice shall have the control and management of the Police Force, and of all matters connected therewith; but the Governor in Council may, at any time, order that the same shall be transferred to any other Department of the Civil Service of Canada, and the same shall accordingly, by such order, be so transferred to and be under the control and management of such other Department.





*35. The Governor in Council may, from time to time, enter into arrangements with the Government of any Provinces of the Dominion for the use or employment of the said Police Force, or any portion thereof, in aiding the administration of Justice in such Province, and in carrying into effect the laws of the Legislature thereof; and may in any such arrangement, agree and determine the amount of money which shall be paid by the Province using the same in respect of such services of the said force.